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**8/29/07

Attorneys for Defendant
SALESIAN SOCIETY (sued herein as
SALESIANS OF DON BOSCO,
dba CAMP ST. FRANCIS)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

ROBIN MOREL,)	CASE NO. C07 01263 JF PVT
)	
Plaintiff,)	SECOND STIPULATION &
)	[PROPOSED] ORDER FOR RELIEF
vs.)	FROM ORDER SETTING INITIAL
)	CASE MANAGEMENT CONFERENCE
SALESIANS OF DON BOSCO, dba CAMP)	AND ADR DEADLINES
ST. FRANCIS, DOES 1-50; inclusive,)	
)	
Defendants.)	Complaint Filed: March 2, 2007

WHEREAS defendant SALESIAN SOCIETY (sued herein as SALESIANS OF DON BOSCO, dba CAMP ST. FRANCIS) has filed a motion to dismiss plaintiff ROBIN MOREL's complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) on the basis that this court lacks subject matter jurisdiction because there is a lack of complete diversity of citizenship; and,

WHEREAS the motion to dismiss was scheduled to be heard by this court on July 20, 2007, but has been moved by agreement of the parties to be heard on September 21, 2007 to allow limited discovery related to the jurisdiction issue; and,

WHEREAS counsel for the parties have met and conferred and agree that the resolution of this motion to dismiss for lack of subject matter jurisdiction should be decided before the parties and the court invest time and expense in case management and/or alternate dispute

1 resolution ("ADR"); and,

2
3 WHEREAS on May 31, 2007, the court found good cause to grant the parties' previous
4 Stipulation & Order for Relief From Order Setting Initial CMC and ADR Deadlines which was
5 then scheduled for June 8, 2007; and,

6 THEREFORE, IT IS HEREBY STIPULATED, by and between the parties, through their
7 attorneys, that the parties' case management and ADR obligations including the Initial Case
8 Management Conference scheduled for September 7, 2007 as described in the Order Setting
9 Initial Case Management and ADR Deadlines should be suspended pending resolution of
10 defendant's motion to dismiss.

11
12 Dated: August 16, 2007

SHEUERMAN, MARTINI & TABARI

13 By: /s/ _____
14 ALAN L. MARTINI
Attorneys for Plaintiff

15 Dated: August 14, 2007

GORDON & REES LLP

16
17 By: /s/ _____
JACK B. MCCOWAN, JR.
Attorneys for Defendant
18 SALESIAN SOCIETY (sued herein as
19 SALESIANS OF DON BOSCO, dba CAMP
ST. FRANCIS)

20 21 ORDER

22 Good cause appearing therefore based on the above stipulation of the parties, IT IS
23 HEREBY ORDERED that the parties are relieved of their obligations described in the Order
24 Setting Initial Case Management and ADR Deadlines and that the Initial Case Management
25 Conference scheduled for September 7, 2007 is suspended pending resolution of the defendant's
26 motion to dismiss for lack of subject matter jurisdiction.

27
28 Dated: 8/27, 2007


United States District Court Judge